

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-3 and 5-22 are pending in the application. Claim 4 has been cancelled without prejudice and claims 21 and 22 are new.

Reference numerals have been removed throughout the claims.

Claim objections

Claim 1 has been amended to correct the expression "end face".

Therefore, withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. §112

Claim 7 is directed to an embodiment shown in figures 11-14 of the application where the preferential fold line (25) of the lateral panel (10, 11,30) coincides (over lies) with the fold line (5) of the flat blank (3). The term "coincide", as used herein, does not mean "perpendicular to". Therefore, withdrawal of the corresponding 35 USC §112 objection is respectfully requested.

Claims 14, 15 and 20 have been amended to be directed to a carton from the folded blank of claim 1. Therefore, withdrawal of the corresponding 35 USC §112 objection is respectfully requested.

Claim Rejections - 35 U.S.C. §102

The Examiner has rejected claims 1-20 as being anticipated by Focke (US 6343691 B1).

Applicant respectfully disagrees with the Examiner agree, since Focke fails to disclose all the features of original claim 1. In particular, applicant considers that, when

the blank of Focke is erected to form the packet, the lateral panels 24, 25 do not overlap and cover the preferential fold line 34.

However, in order to accelerate the Examination of the application, claim 1 has been amended to include the limitations of claim 4.

Focke fails to disclose, suggest or render obvious all of the features of claim 1 as currently amended. In particular, Focke fails to disclose at least that the preferential fold line coincides with an axis of symmetry of the lateral panel.

Focke discloses that the preferential fold line (34) divides each lateral panel in two panels (25, 36). Contrary to the Examiner's opinion, such fold line (34) does not coincide with an axis of symmetry of the panel, but is only a generic line parallel to the lateral edges of the panel and is offset towards the inner fold line (35), thereby dividing the panel into two panels (25; 36) having different shape. The two panels are not symmetrical and fold line 34 is not an axis of symmetry. Therefore, Focke does not disclose, suggest or render obvious claim 1, and it is respectfully requested that this rejection be withdrawn.

Claims 2-3 and 5-20 depend upon independent claim 1 and are believed allowable for the same reasons as claim 1.

New claim 21 is not anticipated or rendered obvious by Focke. In particular, Focke fails to disclose at least that the preferential fold line of the lateral panel coincides with the fold line of the flat blank, wherein the lateral panel is hinged on opposite sides of the preferential fold line to the first panel and the second panel.

In particular, Focke discloses that the preferential fold line (35) of the lateral panel (25; 36) is different from the fold line of the flat blank, which corresponds to any of the longer sides of the central panel (22). Claim 2 defines the fold line as the line along which "the flat diecut blank is bent double to create first part and second part flattened

one against the other in such a manner that the folded blank presents a collapsed configuration initially". Well, the only fold lines of the blank of Focke that could be considered as corresponding to the claimed fold line are the parallel longer sides (horizontal in figure 3 of Focke) of the central panel (22). Each of these two longer sides (having no corresponding reference numeral in Focke) is a fold line but the lateral panel (25; 36) is not hinged *on opposite sides of the preferential fold line* to the first panel and the second panel, as also required by claim 21.

In Focke, it is the bottom panel (22) that is located between the first and second panel (14; 15) and not the lateral panel.

Moreover, in Focke such panel (22) is hinged to the first and second panels (14; 15) by said parallel longer sides of the central panel (22) but is not hinged *on opposite sides of the preferential fold line* to the first panel and the second panel, as required by claim 21. In fact, no further fold lines as the claimed preferential fold lines can be found in the bottom panel (22) of Focke. On the other hand, there is no way to think that any of the said two longer sides of the bottom panel (22) can be considered as the claimed preferential fold line. Therefore, Focke does not disclose, suggest or render obvious claim 21, and it is respectfully requested that this claim be indicated as allowable.

New claim 22 is not anticipated or rendered obvious by Focke. In particular, Focke fails to disclose at least that the fold line is applied to an end panel hinged on opposite sides of the fold line to the first panel and the second panel.

In detail, as previously argued about claim 21, Focke discloses a bottom panel (22) hinged to the first (14) and second (15) panel along its parallel longer sides. No further fold lines are disclosed between side longer sides, therefore Focke does not disclose said claimed fold line.

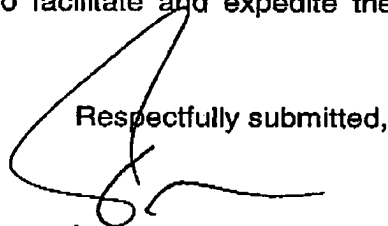
Moreover, Focke fails to disclose at least "that the fold line is applied to an end

panel hinged on opposite sides of the fold line to the first panel and the second panel” for a second reason. In fact, if said claimed fold line would be considered as one of said parallel longer sides of the bottom panel (22), said panel (22) would not be hinged to the first and second panel (14; 15) on opposite sides of the fold line, since such fold line is located at the external edge of the bottom panel (22). It is not apparent how a panel could be hinged to a first panel and a second panel on opposite sides of an external edge of the panel. Therefore, Focke does not disclose, suggest or render obvious claim 21, and it is respectfully requested that this claim be indicated as allowable.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests withdrawal of the claim objections and rejections, allowance of claims 1-3 and 5-22 and the prompt issuance of a Notice of Allowability. Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,



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